

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12780 of 1995

Between:

Mahesh Kumar Shah,

S/o Mahaberprasad Shah

32 years, Hyderabad

..... PETITIONER

AND

1. Government of India rep. By its

Estate Manager, Kendriya Sadan,

Sulthan Bazar, Hyderabad

2. Government of India rep. By its

Assistant Director of Estates,

Cash Section, Directorate of Estate,

Nirman Bhavan, New Delhi –100 001

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the respondents for not refunding the amount of Rs.4380/- in respect of Shop No.3, G.P.R.A.C. Campus, Gachibouli, Hyderabad deposited as Security when the licence was granted as illegal and arbitrary, unreasonable and unconstitutional and direct them to refund the said amount at the rate of 12% interest forthwith from 11-9-1991 and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.Y.VENKATA SATYAM

Counsel for the Respondent: Sri A.Rajasekhara Reddy, S.C. for Central Government (Not present)

The Court made the following :

ORAL ORDER:

This writ petition is filed for a direction to the respondents to refund an amount of Rs.4380/- deposited by the petitioner towards security deposit, together with interest @ 12% per annum from 11-9-1991.

The case of the petitioner is that in pursuance of the advertisement issued by the respondents, he made an application along with D.Ds. for Rs.4,380/- towards security deposit and he has been granted licence on 9-1-1990 in respect of Shop No.3 in G.P.R.A. Campus, Gachibouli, Hyderabad. Thereafter, due to his personal problems, he vacated the shop on 10-9-1991 after issuing one month prior notice as per the conditions of licence and the respondents also informed the petitioner that the licence was cancelled from 11-9-1991. The only grievance of the petitioner is that the respondents having cancelled the licence from 11-9-1991, have not chosen to refund the security deposit of Rs.4380/- in spite of his repeated requests. Hence, this writ petition.

Though the matter is admitted in the year 1995, no counter affidavit is filed so far. Today also there is no representation for the respondents.

When the matter is taken up for hearing, the learned counsel for the petitioner submitted that by virtue of the interim directions of this court, the respondents paid an amount of Rs.3,613/- to the petitioner and that the writ petition may be disposed of giving liberty to the petitioner to approach the respondents for the balance amount and interest.

Though, I am not inclined to entertain the writ petition with regard to payment of interest, since it is a disputed question of fact, in view of the submission made by the learned counsel for the petitioner that the petitioner has already been paid an amount of Rs.3,613/-, I deem it appropriate to dispose of the writ petition with a direction to the petitioner to approach the respondents for payment of the balance amount including the interest thereof.

This writ petition is accordingly disposed of.

1-10-2004

asp

To

1.Estate Manager,

Government of India, Kendriya Sadan,

Sulthan Bazar, Hyderabad

2.Assistant Director of Estates,

Government of India

Cash Section, Directorate of Estate,

Nirman Bhavan, New Delhi –100 001

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